

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
(SAN FRANCISCO DIVISION)

ASUSTEK COMPUTER, INC. and ASUS  
COMPUTER INTERNATIONAL,

Plaintiffs/Counterclaim Defendants,

v.

INTERNATIONAL BUSINESS MACHINES  
CORPORATION

Defendant/Counterclaim Plaintiff.

CASE NO. C08-1168-MMC (JL)

~~PROPOSED~~ ORDER DISMISSING  
ACTION

WHEREAS, on February 27, 2008, Plaintiffs and Counterclaim Defendants ASUSTeK Computer, Inc. and ASUS Computer International (collectively, "ASUS") commenced this action for declaratory relief against International Business Machines Corporation ("IBM");

WHEREAS, IBM answered ASUS's complaint and asserted counterclaims against ASUS;

WHEREAS, ASUS and IBM have filed a Stipulation of Dismissal with this Court advising the Court that the parties have reached a mutually satisfactory resolution of all issues between them that were the subject of the action; and

WHEREAS, upon consideration of the Stipulation, the Court finds that entry of an order dismissing all claims by and between ASUS and IBM is in the interests of justice.

1 WHEREFORE, THE COURT HEREBY ORDERS, ADJUDGES, AND DECREES:

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3 1. This action in its entirety, including complaint, answers, and counterclaims, is  
4 dismissed with prejudice;

5 2. Each party shall bear its own attorney's fees and costs and expenses incurred by or  
6 on behalf of said party in connection with this action; and

7 3. All unresolved pending motions in this action if any, between these settling parties  
8 are denied as moot.

9 **SO ORDERED:**

10 Dated: October 2, 2009

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13 UNITED STATES DISTRICT JUDGE